



1645

VIA HAND DELIVERY AUGUST 13, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Ruben et al.

Attorney Docket No.: PZ003P3

Application Serial No.: 09/853,161

Filed: May 11, 2001

Publication No.: US 2002/0076756 A1

Published: June 20, 2002

Examiner: Unassigned

Art Unit: 1645

Title: 28 Human Secreted Proteins

#6
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REQUEST FOR CORRECTED PUBLICATION UNDER 37 C.F.R. § 1.221(b)
DUE TO MATERIAL OFFICE MISTAKE

Box PGPUB
Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants respectfully request a corrected publication of the above-listed application pursuant to 37 C.F.R. § 1.221(b) due to a material mistake made by the Office. In particular, the first page of the published application fails to list 11 applications to which the instant application claims benefit of priority under 35 U.S.C. § 119(e) and § 120. The first page of the published application lists only U.S. Provisional App. No. 60/265,583 (i.e. under "Related U.S. Application Data").

The above mistake is apparent from Office records, as the Official Filing Receipt contains the correct list of 12 priority applications in its entirety. See, Filing Receipt mailed July 26, 2001, Confirmation No. 5950. Moreover, the mistake is material, as the missing priority data affects the use of the published application as prior art under 35 U.S.C. § 102(e). In particular, without inclusion of all priority data together on the first page of the published application, an examiner or member of the public would be likely to

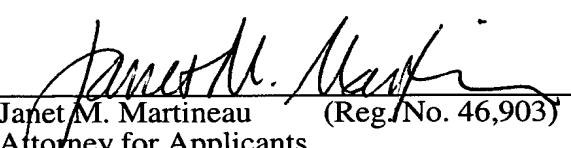
mistakenly believe that this is the only application to which the present application claims priority. In fact, however, the present application claims priority to applications which, *inter alia*, were filed almost 4 years prior to the application solely listed as "Related U.S. Application Data." Hence in order to properly assess priority (*e.g.* for § 102(e) purposes), an examiner or member of the public would be required *know* it was necessary to search the remainder of the application for *additional* priority applications not shown in the "Related U.S. Application Data." section; thus nullifying the usefulness of this section on patent application publications. Moreover, since the only listed priority application in the "Related U.S. Application Data" section is not the earliest filed application, its exclusive presence there *gives a false impression* that this application represents the earliest claim to priority for the present application.

Accordingly, Applicants respectfully request that a corrected publication of the above-listed application be made pursuant to 37 C.F.R. § 1.221(b).

No fee is believed due for this submission. In the event that a fee is required in connection with this submission, please charge the required fee to Deposit Account No. 08-3425.

Respectfully submitted,

Date: AUGUST 13, 2002


Janet M. Martineau (Reg. No. 46,903)
Attorney for Applicants

Human Genome Sciences, Inc.
9410 Key West Avenue
Rockville, MD 20850
(301) 315-2723 (phone)

JMM/DS



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0.00
Complete if Known

Application Number	09/853,161-Conf. #5950
Filing Date	May 11, 2001
First Named Inventor	Ruben et al.
Examiner Name	Not Yet Assigned
Group Art Unit	1645
Attorney Docket No.	PZ003P3

METHOD OF PAYMENT (check all that apply)
 Check Credit Card Money Order Other None
 Deposit Account
Deposit Account Number **08-3425**Deposit Account Name **Human Genome Sciences, Inc.**

The Commissioner is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE****Large Entity Small Entity**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)		(\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-20** =	Extra Claims	Fee from below	Fee Paid
Independent Claims	-3** =			
Multiple Dependent				

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$)		

** or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
105	130	205	65 Surcharge – late filing fee or oath
127	50	227	25 Surcharge – late provisional filing fee or cover sheet.
139	130	139	130 Non-English specification
147	2,520	147	2,520 For filing a request for <i>ex parte</i> reexamination
112	920*	112	920* Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840* Requesting publication of SIR after Examiner action
115	110	215	55 Extension for reply within first month
116	400	216	200 Extension for reply within second month
117	920	217	460 Extension for reply within third month
118	1,440	218	720 Extension for reply within fourth month
128	1,960	228	980 Extension for reply within fifth month
119	320	219	160 Notice of Appeal
120	320	220	160 Filing a brief in support of an appeal
121	280	221	140 Request for oral hearing
138	1,510	138	1,510 Petition to institute a public use proceeding
140	110	240	55 Petition to revive – unavoidable
141	1,280	241	640 Petition to revive - unintentional
142	1,280	242	640 Utility issue fee (or reissue)
143	460	243	230 Design issue fee
144	620	244	310 Plant issue fee
122	130	122	130 Petitions to the Commissioner
123	50	123	50 Processing fee under 37 CFR 1.17(q)
126	180	126	180 Submission of Information Disclosure Stmt
581	40	581	40 Recording each patent assignment per property (times number of properties)
146	740	246	370 Filing a submission after final rejection (37 CFR 1.129(a))
149	740	249	370 For each additional invention to be examined (37 CFR 1.129(b))
179	740	279	370 Request for Continued Examination (RCE)
169	900	169	900 Request for expedited examination of a design application
Other fee (specify)			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	Janet M. Martineau	Registration No. (Attorney/Agent)	46,903	Telephone	(301) 315-2723
Signature		Date	August 13, 2002		

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Examiner Name	Not Yet Assigned
Group Art Unit	1645
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Check Credit Card Money Order Other None
 Deposit Account

Deposit Account Number 08-3425

Deposit Account Name Human Genome Sciences, Inc.

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FEE CALCULATION (continued)**3. ADDITIONAL FEES**

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Other fee (specify) _____			

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SUBMITTED BY				Complete (if applicable)
Name (Print/Type)	Janet M. Martineau	Registration No. (Attorney/Agent)	46,903	Telephone (301) 315-2723
Signature				Date August 13, 2002

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